

Lyke Kevin D BRIDGEWATER TDC# 1398768
 ESTELLE UNIT D1-204
 264 FM 3418 RD
 HUNTSVILLE, TEXAS 77320-3322

CIVIL ACTION NO. 1

9:07 CV 218

TRIAL DENIED
FILED
 U.S. DISTRICT COURT
 EASTERN DISTRICT OF TEXAS

MAY 21 2008

MEMORANDUM OF LAW ^{BY} DAVID J. MALAND CLERK
 DEPUTY

PLAINTIFF, Lyke Kevin D BRIDGEWATER, ON AUGUST 13, 2007 ALLEGES THAT WHILE HE WAS HOUSED AS A "STATE INMATE" OF TDC-J @ THE STATE FACILITY OF ALLEN B. POLUNSKY UNIT IN LIVINGSTON, TEXAS WHICH IS MANAGED, MAINTAINED AND CONTROLLED BY THE STATE GOVERNMENT, ON THIS DATE ABOVE BRIDGEWATER ALLEGES THAT HE WAS SEVERELY BEATEN BY TWO PRISONERS AND SUFFERED A SEVERELY FRACTURED NOSE, WHICH IS DISFIGURED THIS DAY FORWARD AND BACK, NECK, INJURIES WHICH ARE STILL IN SEVERE PAIN. BRIDGEWATER ALLEGES HE INFORMED POLUNSKY UNIT PERSONNEL OF HIS PENDING DEATH THREATS AFTER THE FIRST ALTERCATION WITH ACTIVE GANG MEMBER DAVID BOLTON ON AUGUST 7, 2007, HE WAS THEN DENIED TO BE PLACED IN SEGREGATION AFTER THE ALTERCATION AND PLACED BACK INTO THE GENERAL POPULATION AREA WHERE THE SECOND ALTERCATION HAPPENED ON AUGUST 13, 2007. "THE OFFICIALS USED THEIR AUTHORITY TO CREATE AN OPPORTUNITY THAT WOULD NOT OTHERWISE HAVE EXISTED FOR THE THIRD PARTY CRIME TO OCCUR." SEE, JOHNSON, 38 F.3d @ 201. BRIDGEWATER SEEKS TO RECOVER UNDER THEORIES OF COMMON LAW AND STATUTORY NEGLIGENCE FOR BEING SUBJECTED TO AN UNREASONABLE RISK OF HARM. BRIDGEWATER ALSO ALLEGES A ~~CASE~~ CAUSE OF ACTION UNDER 42 U.S.C. § 1983 FOR ALLEGED CONSTITUTIONAL VIOLATIONS OF THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONST. SPECIFICALLY, BRIDGEWATER ALLEGES THAT OFFICIALS ON POLUNSKY UNIT WHOM ARE INVOLVED IN HIS LIFE ENDANGERMENT COMPLAINT WERE NOT TRAINED PROPERLY AND /OR SUPERVISED FAILURE TO TRAIN AND /OR SUPERVISE CONSTITUTES DELIBERATE INDIFFERENCE. BRIDGEWATER ALSO ALLEGED THAT POLUNSKY UNIT OFFICIALS WHOM ARE INVOLVED, BREACHED THERE DUTYS BY NOT PROPERLY SEGREGATING PLAINTIFF FROM OVER VIOLENT INMATES AND BECAUSE OF THAT BREACH PLAINTIFF SUFFERED DAMAGES. SEE, STEPHENS V. CORRECTIONAL SERVICES CORP., 428 F.Supp. 2d 580 (E.D. TEX 2006). PRECEDENT.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT, SIGNED THIS 19 DAY OF MAY, 2008 x Lyke Kevin Bridgewater

By the Honorable Bridgewater
ESTELLE COURT D1-2004
264 PM 3478 Rd
BOUTSVILLE, TX 71320-3322

LEGAL
MAIL

c/o DAVID J. MALAND
UNITED STATES DISTRICT CLERK'S OFFICE
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